

## § 301-10.124

(iii) You are a courier or control officer accompanying controlled pouches or packages;

(3) Coach-class accommodations on an authorized/approved foreign air carrier do not provide adequate sanitation or health standards;

(4) Regularly scheduled flights between origin/destination points (including connecting points) provide only other than coach-class accommodations and you certify such on your voucher;

(5) Your transportation costs are paid in full through agency acceptance of payment from a non-Federal source in accordance with Chapter 304 of this Title;

(6) Where the origin and/or destination are OCONUS, and the scheduled flight time, including stopovers and change of planes, is in excess of 14 hours, in accordance with § 301-10.125;

(7) The use results in an overall cost savings to the Government by avoiding additional subsistence costs, overtime, or lost productive time while awaiting coach-class accommodations;

(8) No space is available in coach-class accommodations in time to accomplish the mission, which is urgent and cannot be postponed; or

(9) When required because of agency mission, consistent with your agency's internal procedures pursuant to § 301-70.102(i).

NOTE 1 TO § 301-10.123: You may upgrade to other than coach-class accommodations at your personal expense, including through redemption of frequent flyer benefits.

NOTE 2 TO § 301-10.123: Blanket authorization of other than coach-class transportation accommodations is prohibited and shall be authorized on an individual trip-by-trip basis, unless the traveler has an up-to-date documented disability or special need.

[FTR Amdt. 2009-06, 74 FR 55147, Oct. 27, 2009]

### § 301-10.124 What are coach-class Seating Upgrade Programs?

Sometimes these programs are called "Coach Elite," "Coach Plus," "Preferred Coach" or some other identifier. Under these airline programs, a passenger may obtain for a fee a more desirable seat choice within the coach-class cabin. These airline upgrade or preferred seat choices are generally available for an annual fee, at an airport kiosk or gate or as a frequent flier

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perk. These coach upgrade options are not considered a new or higher class of accommodation since the seating is still in the coach cabin. However, the use of these upgraded/preferred coach seating options is generally a traveler's personal choice and therefore is at the traveler's personal expense. An agency travel authorization approving official or his/her designee (e.g., supervisor of the traveler) may authorize and reimburse the additional seat choice fee according to internal agency policy (see 301-70.102(k)).

[FTR Amdt. 2009-06, 74 FR 55148, Oct. 27, 2009, as amended by FTR Amdt. 2010-07, 75 FR 72967, Nov. 29, 2010]

### § 301-10.125 When may I use the 14-hour rule to travel other than coach-class (see § 301-10.123(b)(6))?

(a) You may use the 14-hour rule to travel via other than coach-class when:

(1) The origin and/or destination are OCONUS; and

(2) The scheduled flight time, including non-overnight stopovers and change of planes, is in excess of 14 hours; and

(3) You are required to report to duty the following day or sooner.

(b) Scheduled flight time is the flight time between the originating departure point and the ultimate arrival point including scheduled non-overnight time spent at airports during plane changes. Scheduled non-overnight time does not include time spent at the originating or ultimate arrival airports.

(c) If other than coach-class accommodation is authorized based on the 14-hour rule then you will not be eligible for a rest stop en route or a rest period upon arrival at your duty site, in accordance with internal agency procedures pursuant to § 301-70.102(j).

[FTR Amdt. 2009-06, 74 FR 55148, Oct. 27, 2009]

### USE OF UNITED STATES FLAG AIR CARRIERS

SOURCE: FTR Amdt. 74, 63 FR 63419, Nov. 13, 1998, unless otherwise noted.

### § 301-10.131 What does United States mean?

For purposes of the use of United States flag air carriers, *United States*

## Temporary Duty (TDY) Travel Allowances

## § 301-10.136

means the 50 states, the District of Columbia, and the territories and possessions of the United States (49 U.S.C. 40102).

### § 301-10.132 Who is required to use a U.S. flag air carrier?

Anyone whose air travel is financed by U.S. Government funds, except as provided in § 301-10.135, § 301-10.136, and § 301-10.137.

### § 301-10.133 What is a U.S. flag air carrier?

An air carrier which holds a certificate under 49 U.S.C. 41102 but does not include a foreign air carrier operating under a permit.

### § 301-10.134 What is U.S. flag air carrier service?

U.S. flag air carrier service is service provided on an air carrier which holds a certificate under 49 U.S.C. 41102 and which service is authorized either by the carrier's certificate or by exemption or regulation. U.S. flag air carrier service also includes service provided under a code share agreement with a foreign air carrier in accordance with Title 14, Code of Federal Regulations when the ticket, or documentation for an electronic ticket, identifies the U.S. flag air carrier's designator code and flight number.

### § 301-10.135 When must I travel using U.S. flag air carrier service?

You are required by 49 U.S.C. 40118, commonly referred to as the "Fly America Act," to use U.S. flag air carrier service for all air travel funded by the U.S. Government, except as provided in § 301-10.136 and § 301-10.137 or when one of the following exceptions applies:

(a) Use of a foreign air carrier is determined to be a matter of necessity in accordance with § 301-10.138; or

(b) The transportation is provided under a bilateral or multilateral air transportation agreement to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act.

(1) Information on bilateral or multilateral air transportation agreements impacting United States Government procured transportation can be accessed at <http://www.gsa.gov/openskies>; and

(2) If determined appropriate, GSA may periodically issue FTR Bulletins providing further guidance on bilateral or multilateral air transportation agreements impacting United States Government procured transportation. These bulletins may be accessed at <http://www.gsa.gov/bulletins>.

(c) You are an officer or employee of the Department of State, United States Information Agency, United States International Development Cooperation Agency, or the Arms Control Disarmament Agency, and your travel is paid with funds appropriated to one of these agencies, and your travel is between two places outside the United States; or

(d) No U.S. flag air carrier provides service on a particular leg of the route, in which case foreign air carrier service may be used, but only to or from the nearest interchange point on a usually traveled route to connect with U.S. flag air carrier service; or

(e) A U.S. flag air carrier involuntarily reroutes your travel on a foreign air carrier; or

(f) Service on a foreign air carrier would be three hours or less, and use of the U.S. flag air carrier would at least double your en route travel time; or

(g) When the costs of transportation are reimbursed in full by a third party, such as a foreign government, international agency, or other organization.

[FTR Amdt. 74, 63 FR 63419, Nov. 13, 1998, as amended by FTR Amdt. 2009-02, 74 FR 2397, Jan. 15, 2009]

### § 301-10.136 What exceptions to the Fly America Act requirements apply when I travel between the United States and another country?

The exceptions are:

(a) If a U.S. flag air carrier offers nonstop or direct service (no aircraft change) from your origin to your destination, you must use the U.S. flag air carrier service unless such use would extend your travel time, including delay at origin, by 24 hours or more.